

SEP 12 2005

TELEFACSIMILE TRANSMISSION
to
THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO:	Examiner K. Gebreyesus	FROM:	SHELLY GUEST CERMAK
FAX:	571.273.8300	REF. NO:	US-109
VOICE:		PAGES	3 (incl. this sheet)
App. No.:	10/784,896	DATE:	September 12, 2005

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE:

- 1) This Facsimile Cover Sheet (1 pg)
- 2) Second Request for PTO-892 and Restart of Statutory Period (1 pg)
- 3) Copy of confirmation receipt of April 5, 2005 facsimile filing of initial request (1 pg)


Shelly Guest Cermak
Registration Number 39,571

The information contained in this facsimile message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any further disclosure or use, dissemination, distribution, or copying of this message or any attachment is strictly prohibited. If you think that you have received this transmission in error, please destroy it and notify the sender.

Shelly Guest Cermak
Registered U.S. Patent Attorney
scermak@cermak-kenealy.com

Cermak & Kenealy, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608

SEP 12 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hirano et al.

Application No.: 10/784,986

Filing Date: February 25, 2004

For: Novel lysine decarboxylase gene and
method for producing L-lysine

Art Unit: 1652

Examiner: Gebreysus, Kagnew H.

Attorney Ref. No.: US-109

VIA FACSIMILE TO: 571-273-8300

SECOND REQUEST FOR PTO-892 AND RESTART OF STATUTORY PERIODCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

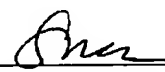
Applicants acknowledge receipt of an office action dated 31 March 2005 in the above-captioned patent application. The office action is incomplete since a copy of the reference cited on page 8, paragraph 4 of the office action (Sabo et al. Biochemistry 13:670-676 (1974)) was not provided, nor was a PTO-892 provided. This reference is not a U.S. Patent, nor a U.S. Patent Application Publication, so a copy is required to be provided to applicants.

Applicants' representative hereby makes a second request for a copy of the cited reference, a proper PTO-892, and that the statutory period for responding to the office action be re-started. A conformation receipt of the filing of the initial request, filed 5 April 2005, is also enclosed.

Respectfully submitted,

U.S.P.T.O. Customer No. 38108
Cermak & Kenealy, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608

By:


Shelly Guest Cermak
Registration No. 39,571Date: September 12, 2005

Auto-Reply Facsimile Transmission



TO: Fax Sender at 7037786613
Fax Information
Date Received: 4/5/2005 2:00:51 PM [Eastern Daylight Time]
Total Pages: 2 (including cover page)

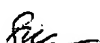
ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

04/05/2005 12:02 7037786613		PAGE 01/02	
TELEFACSIMILE TRANSMISSION to THE UNITED STATES PATENT AND TRADEMARK OFFICE			
TO:	Examiner, K. Golevovs	FROM:	SHELLY GUEST CORMAK
FAX:	703.672.9506	REF. NO:	US-109
VOICE:		PAGES:	2 (incl. this sheet)
App. No.:	10/784,896	DATE:	April 5, 2005

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE:

- 1) This Facsimile Cover Sheet (1 page)
- 2) Request for PTO-892 and Restart of Statutory Period (1 page)


Shelly Guest Cormak
Registration Number 39,571

The information contained in this facsimile message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any further disclosure or use, dissemination, distribution, or copying of this message or any attachment is strictly prohibited. If you think that you have received this transmission in error, please destroy it and notify the sender.

Shelly Guest Cormak
Registered U.S. Patent Attorney
cormak@ajlissa.com

Cormak & Kenerly, LLP
515 E. Broadbent Road, Suite B
Alexandria, VA 22314
703.778.6608

PAGE 01 * RCVD AT 4/05/2005 2:00:51 PM [Eastern Daylight Time] * SVR:USPTO-EFAXRF-6/25 * DNIS:2738300 * CSID:7037786613 * DURATION (mm-ss):01-02